IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL, 2007 / 19TH CHAITHRA, 1929

WP(C).No. 11337 of 2007(Y)

PETITIONER:

K.M.RAJAN, SEAMEN WELFARE OFFICER,
MARKENTILE MARINE DEPARTMENT,
WILLINGTON ISLAND, NORTH END, KOCHI-680 009.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. THE SCRUTINY COMMITTEE FOR VERIFICATION OF COMMUNITY CERTIFICATES & SECRETARY, SC/ST DEVELOPMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, REPRESENTED BY ITS CHAIRMAN.

2. THE DIRECTOR, KIRTADS,
KOZHIKODE-17.

3. THE DIRECTOR GENERAL OF SHIPPING,
JAHAZ BHAVAN, W.H.MARG, MUMBAI- 400 001.

BY SPL.GOVT. PLEADER SRI.C.K.RAVIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11337 OF 2007 Y

Dated this the 9th day of April, 2007

J U D G M E N T

I have heard learned counsel for the petitioner as also learned Special Government Pleader appearing on behalf of the respondents.

2. In this writ petition, the petitioner is challenging the proceedings of the Scrutiny Committee under Act 11 of 1996 by which the Scrutiny Committee intends to cancel the caste certificate already issued to the petitioner. Counsel for the petitioner submits that since the Scrutiny Committee is to take a decision based on the report of the KIRTADS which the petitioner wants to challenge, no purpose would be served if the petitioner is not given an opportunity to challenge the report of the KIRTADS by cross-examining the Officers who conducted the enquiry and the witnesses whose depositions he has relied upon challenging the documents on the basis of which he has filed his report. In the above circumstances, the petitioner has approached this Court seeking the following reliefs:-

> "i. Issue a writ of certiorari or any other appropriate writ, direction or order calling for the records leading to Exts.P4 and P9 and quashing the same;
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> ii. Issue a writ of mandamus or any other appropriate writ, direction or order directing the first respondent to afford an adequate and effective opportunity to the petitioner to challenge the findings of the Vigilance Officer of KIRTADS in Ext.P4 Report by following the adversary procedure affording the petitioner an opportunity to challenge the depositions and findings of the Vigilance Officer of KIRTADS who prepared Ext.P4 Report and the statements relied on by him in preparing the said Report.
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> And
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> iii. Grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case including costs."

3. The learned Government Pleader, on instructions, submits that if the petitioner makes a request for the said purpose, the petitioner would be afforded an opportunity to cross-examine the Vigilance Officer or any witnesses and to challenge the veracity of the documents relied on by the KIRTADS. This submission is recorded and the writ petition is disposed of directing the first respondent to give the

petitioner an opportunity to challenge the report of the KIRTADS by cross-examining the Vigilance Officer and the witnesses whose statements have been relied upon by the Vigilance Officer, as also by challenging the veracity of the documents relied upon in the report of the KIRTADS.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007